

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Anne Davy,

Plaintiff,

-V-

Case No. 2:03-CV-1079

JUDGE SMITH

Magistrate Judge Abel

**Union County Health Department,
et al.,**

Defendants.

ORDER

Plaintiff seeks reconsideration of the Court's December 5, 2005 opinion and order granting defendants' summary judgment motion. Plaintiff offers the affidavit of Jennifer Keagy, which plaintiff failed to attach to her response to defendants' motion for summary judgment.

First, Keagy's affidavit does not constitute new evidence. Under Fed. R. Civ. P. 56, the affidavit should have been submitted with plaintiff's response to defendants' summary judgment motion. Even if this Court were to consider the affidavit, the Court would find that it does not give rise to a genuine issue of material fact with respect to any of the bases

upon which the Court granted summary judgment. Specifically, Keagy's affidavit does not establish that plaintiff was subjected to an adverse employment action, nor does it show that plaintiff was subjected to a hostile work environment. For these reasons, the Court **DENIES** plaintiff's motion for reconsideration.

The Clerk shall remove Doc. 31 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT